

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

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FRIDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND SIX

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P R E S E N T

THE HON'BLE SRI JUSTICE N.V. RAMANA

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WP.No.26503 of 2006

Between:

M.A. Bakshu, s/o. late Md. Sulthan,
aged about 59 years, Rtd. Employee, APSRTC,
R/o. H.No.16A-5-79, Balaji Street, Eluru,
West Godavari district. ... Petitioner

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Versus

The Depot Manager,
APSRTC Eluru,
West Godavari District. ... Respondent

Counsel for the Petitioner: M/s. A.Rama Subbaiah

Counsel for the Respondent: Sri R.Manmadha
Reddy
Standing Counsel for
the
Respondent.

THE HON'BLE SRI JUSTICE N.V. RAMANA

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W.P. No. 26503 of 2006

Oral order:

The writ petition is filed to declare the action of the respondent in withholding and not releasing the 'gratuity amount' payable to the petitioner out of his terminal benefits in Proceedings No. E.21756(18)/06, dated dd08-9-2006, as wholly contrary to law, legally unsustainable and opposed to the principles of justice, equity and consequently direct the respondents to release the gratuity amounts payable to him and to pass such other suitable orders.

The case of the petitioner is that he retired as Traffic Inspector-III on 31-7-2006 on attaining the age of superannuation and that on retirement, he was entitled to certain terminal benefits such as CCS Provident Fund, SBT Fund, Leave Encashment and Gratuity, but the respondents on the basis of interim orders passed by civil courts of Eluru and Bhimavaram in the suits filed against him by some persons, issued Proceedings NO.E2/736(18)06-ELR dated 8-9-2006 withholding the release of terminal benefits, including gratuity payable, which the petitioner contends is illegal and arbitrary, for the amounts withheld are not attachable under the provisions of the Civil Procedure Code, 1908.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-APSRTC.

Since the impugned order withholding the retrial benefits mentioned therein came to be passed in view of the interim orders passed by the Civil Courts in the suits for recovery of monies filed against the petitioner by some persons, and since it is the contention of the petitioner that the amounts withheld are not attachable under the

provisions of the Civil Procedure Code, 1908, I deem it appropriate to dispose of the writ petition with the following directions:

The petitioner is directed to approach the Civil Courts, which passed the orders in the I.A. directing attachment, in pursuance of which the impugned order attaching the terminal benefits of the petitioner came to be passed, and bring it to the notice of the Courts that the amounts directed to be attached are not attachable under the provisions of the Civil Procedure Code, 1908, and seek raising of attachments. If the petitioner makes any such application, the Courts concerned shall consider the same in the light of the provisions of the Civil Procedure Code, 1908, and pass appropriate orders thereon.

Accordingly, the writ petition is disposed of. No costs.

N.V. RAMANA, J.

Date: 22nd December, 2006.

ISL